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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,658

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Dennis Michael Kazar

0901-0017

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12/28/2005

JOHN J. OSKOREP, ESQ.  
ONE MAGNIFICENT MILE CENTER  
980 N. MICHIGAN AVE.  
SUITE 1400  
CHICAGO, IL 60611

EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/763,658

Applicant(s)

KAZAR ET AL.

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/17/05
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 12 and 19 is/are objected to.
- 8) ☒ Claim(s) 20-25 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3-25-04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **Response to Arguments on restriction requirement**

Applicant elects Group I with traverse.

Applicant amended claims 1, 3, 8, 12, 13, 15 to provide less distinction between Group I and Group II. The distinction is lesser so that Groups I and II are merged into one group under examination. Regarding Group III, applicant fails to provide persuasive reason why it is not distinct from Groups I and II. Further, applicant admits that Group III is an interface connector. Thus, it can be separately used with Groups I and II. The requirement is still deemed proper and is therefore made **FINAL**.

### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

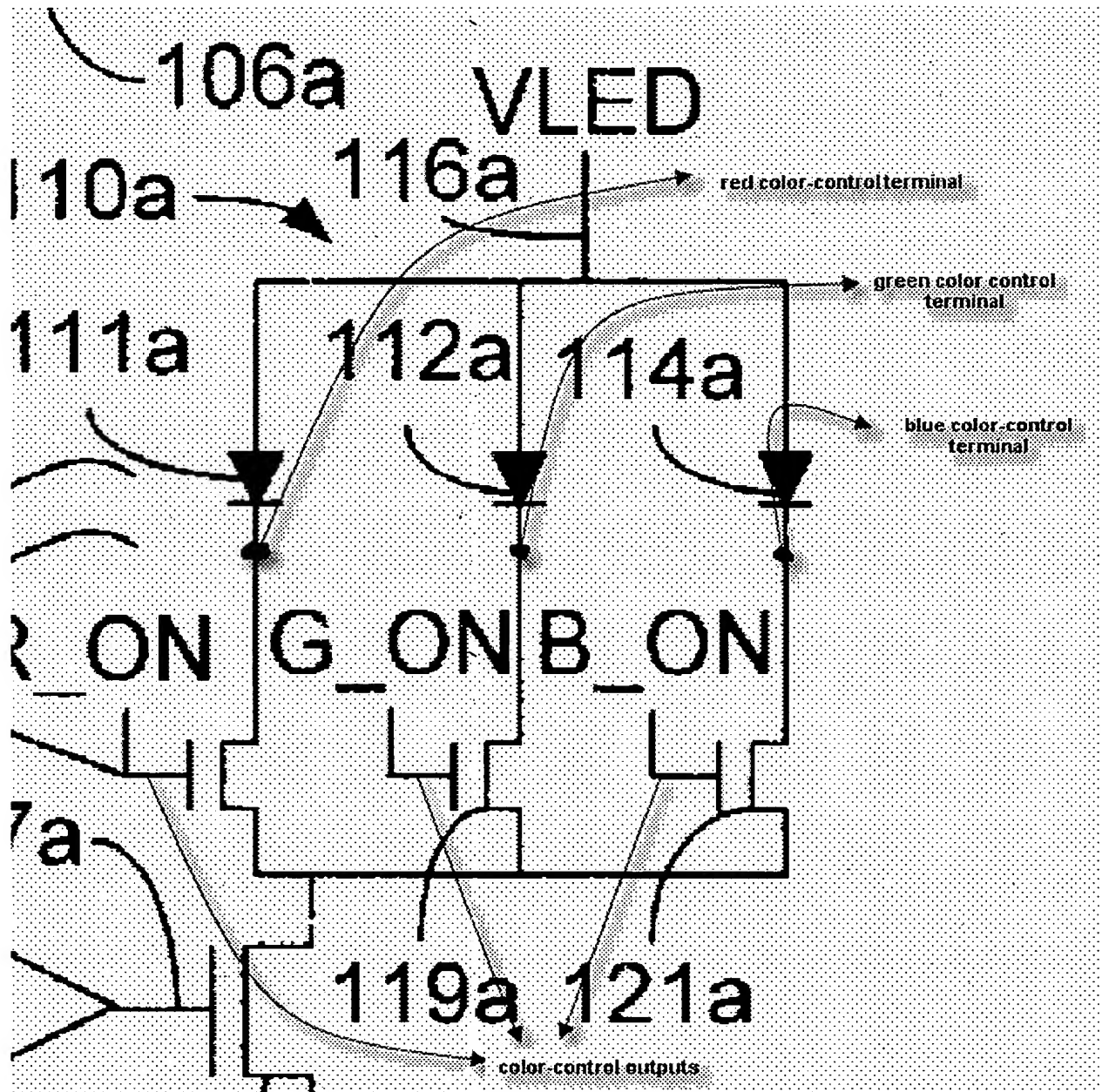
Claims 1, 2, 5, 6, 7, 13, 14, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Blalock et al. (6,344,641).

Regarding Claim 1, Blalock discloses a decorative lighting apparatus comprising

- control circuitry;
- a plurality of color-control outputs (labeled) from the control circuitry for coupling to color-control terminals (gates of 118a, 119a, 121a) of each one of a plurality of color-controllable lights (111a, 112a, 114a and 111b, 112b, 114b);

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- the color-control outputs including a red color-control output (that coupled to 111a) for coupling to each red color-control terminal of the color-controllable lights;
- the color-control outputs including a green color-control output (that coupled to 112a) for coupling to each green color-control terminal of the color-controllable lights;
- the color-control outputs including a blue color-control output (that coupled to 114a) or coupling to each blue color-control terminal of the color-controllable lights;



- one or more set selection outputs (87a, 87b) from the control circuitry for selectively and individually enabling (LED1\_On and LED2\_On) at least a first set of one or more of the color-controllable lights and a second set (111b, 112b, 114b) of one or more of the color-controllable lights; and

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- the control circuitry being operative to illuminate the color-controllable lights with a color scheme by repeatedly time-multiplexing color-control signals (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19) at the red, the green and the blue color-control outputs (See Col. 9, lines 47-50) to the first and second sets of color-controllable lights with use of the one or more set selection outputs.

Regarding Claim 2, Blalock discloses that each color-controllable light comprises a Red-Green-Blue (RGB) LED (See Col. 9, lines 48-50).

Regarding Claim 5, Blalock discloses that control circuitry being further operative to repeatedly time-multiplex the color control signals (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19) at the color-control outputs at a rate inherently sufficient such that the different sets of color-controllable lights appear to be simultaneously illuminated in order to render constant illumination.

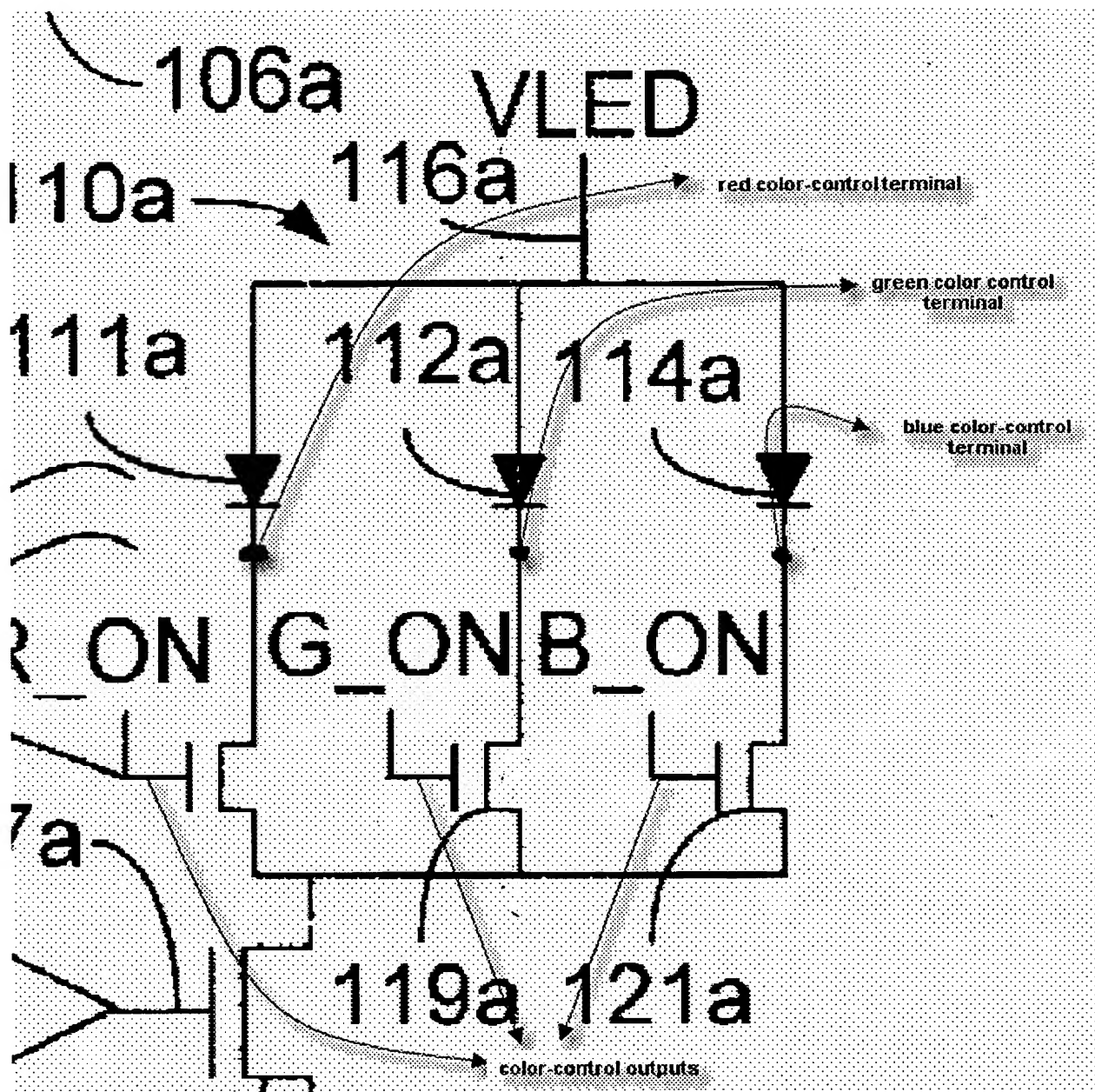
Regarding Claim 6, Blalock discloses that scheme provides that at least first color (white) and a second color (non-white) (See Col. 3, line 62 to Col. 4, line 9) and wherein the first set (111a, 112a, 114a) is controlled to be illuminated with the first color (red) and the second set (111b, 112b, 114b) is controlled to be illuminated with the second color.

Regarding Claim 7, Blalock discloses that the control circuitry being further operative to illuminate a color of the color scheme in the color-controllable lights with current control at the color-control outputs (See Col. 11, lines 40-43).

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Regarding Claim 13, Blalock discloses a method of illuminating a decorative lighting apparatus with one or more color schemes, comprising:

- selecting a first set of color-controllable lights (111a, 112a, 114a) of the decorative lighting apparatus;
- controlling a plurality of red, green, and blue color-control outputs (gates of 118a, 119a, 121a) which are coupled to red, green and blue color control terminals, respectively, of the first set of color-controllable lights to illuminate a first color (white) in the first set of color-controllable lights;
- selecting a second set of color-controllable lights (111b, 112b, 114b) of the decorative lighting apparatus;
- controlling the plurality of red, green, and blue color-control outputs (gates of 118b, 119b, 121b) which are coupled to red, green, and blue color control terminals, respectively, of the second set of color controllable lights to illuminate a second color (non-white) in the second set of color-controllable lights; and
- repeating the selecting and the controlling in a time-multiplexed fashion (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19), to produce a color scheme which includes the first color and the second color (See Col. 3, line 62 to Col. 4, line 9).



Regarding Claim 14, Blalock discloses that each color-controllable light comprises a Red-Green-Blue (RGB) LED (See Col. 9, lines 48-50).

Regarding Claim 16, Blalock discloses that the first color (white) is different from the second color (non-white).



Regarding Claim 17, Blalock discloses that the first color (white) is the same as the second color (white) (they can be tuned the same color).

Regarding Claim 18, Blalock discloses that the act of repeating is performed at rate inherently sufficient such that the first and second sets of color-controllable lights appear to be simultaneously illuminated in order to provide constant illumination.

### **Claim Rejections – 35 U.S.C. 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8, 9, 10, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blalock et al. (6,344,641).

Regarding Claim 3, Blalock discloses the one or more set selection outputs (through 101a, 101b) from the control circuitry for selectively and individually enabling at least the first set, the second set (first set: 111a, 112a, 114a and second set: 111b, 112b, 114b) of the color-controllable lights; and the control circuitry being operative to illuminate the color-controllable lights with the color scheme by repeatedly time-multiplexing color-control signals (See Col. 8, lines 49-55, Col. 10, lines 1-9 and Col. 11, lines 9-19) at the red, the green, and the blue color-control outputs (See Col. 9, lines 47-50) to the first, the second of color-controllable lights with use of the one or more set selection outputs.

As discussed above, Blalock essentially discloses the claimed invention but does not explicitly disclose the third set of lights. However, it would have been obvious to one of ordinary skill in the art to provide an additional light set in order to cover larger illumination area. Besides, it is held that merely providing duplication of parts having no patentable significance unless a new and unexpected result being produced involves routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Regarding Claims 8 and 9, Blalock as discussed essentially discloses the claimed invention but does not disclose a light strand for carrying the lights. However, it would have been obvious to one of ordinary skill in the art to provide a strand for carrying the lights in Blalock in order to provide linear shape illumination. Further, merely positioning the lights without producing any unexpected result does not make any novelty. *In re Japikse*, 181 F. 2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding Claim 10, Blalock as discussed above, essentially discloses the claimed invention but does not explicitly a housing and an interface connector. However, it would have been obvious to obvious to one of ordinary skill in the art to provide housing in Blalock to enclose the circuitry in order to prevent the circuitry from physical damage and moisture, and an interface connector between the housing and outputs in order to connect the wires to circuit.

Regarding Claim 15, as discussed above, Blalock essentially discloses the claimed invention but does not explicitly disclose the third set of lights. However, it would have been obvious to one of ordinary skill in the art to provide an additional light set in order to cover larger illumination area. Besides, it is held that merely providing

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duplication of parts having no patentable significance unless a new and unexpected result being produced involves routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

#### **Allowable subject matter**

Claims 4, 11, 12 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kazar (5,008,595) discloses an ornamental light display apparatus.

#### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

12-23-05

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